



ORIGINAL

1 WILLIAM L. ANTHONY (State Bar No. 106908)

2 ERIC L. WESENBERG (State Bar No. 139696)

3 HEIDI L. KEEFE (State Bar No. 178960)

4 SAM O'ROURKE (State Bar No. 205233)

5 ORRICK, HERRINGTON & SUTCLIFFE, LLP

1000 Marsh Road

Menlo Park, CA 94025

Telephone: (650) 614-7400

Facsimile: (650) 614-7401

RECEIVED

MAY - 5 2004

6 STEVEN ALEXANDER (admitted *Pro Hac Vice*)

7 KRISTIN L. CLEVELAND (admitted *Pro Hac Vice*)

8 JAMES E. GERINGER (admitted *Pro Hac Vice*)

JOHN D. VANDENBERG

KLARQUIST SPARKMAN, LLP

One World Trade Center, Suite 1600

121 S.W. Salmon Street

Portland, OR 97204

Telephone: (503) 226-7391

Facsimile: (503) 228-9446

Attorneys for Defendant and Counterclaimant,  
MICROSOFT CORPORATION

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

INTERTRUST TECHNOLOGIES  
CORPORATION, a Delaware corporation,

Plaintiff,

v.

MICROSOFT CORPORATION, a  
Washington corporation,

Defendant.

AND RELATED CROSS-ACTION.

Case No. C 01-1640 SBA (MEJ)  
Consolidated with C 02-0647 SBA (MEJ)

JOINT STIPULATION OF  
DISMISSAL WITH PREJUDICE

1 WHEREAS the Parties have resolved their dispute;

2 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff  
3 InterTrust Technologies Corporation and Defendant and Counterclaimant Microsoft Corporation  
4 by and through their respective undersigned counsel, and pursuant to Federal Rules of Civil  
5 Procedure 41(a)(1)(ii) and 41(c), that the above-captioned matter be dismissed in its entirety with  
6 prejudice, with each side bearing its own costs and attorney's fees.  
7  
8  
9

10 Dated: 5/5/04

ERIC L. WESENBERG  
ORRICK, HERRINGTON & SUTCLIFFE LLP

Eric L. Wesenberg  
Attorneys for Defendant and Counterclaimant  
MICROSOFT CORPORATION

14 Dated: 4/19/04

MICHAEL H. PAGE  
KEKER & VAN NEST LLP

Michael H. Page  
Attorneys for Plaintiff and Counterdefendant  
INTERTRUST TECHNOLOGIES CORP.

19  
20  
21 PURSUANT TO STIPULATION, IT IS SO ORDERED.

22 Dated: 5-6-04

Hon. Sandra Brown Armstrong  
United States District Judge

1                    **DECLARATION OF SERVICE VIA ELECTRONIC MAIL AND U.S. MAIL**

2                    I am more than eighteen years old and not a party to this action. My place of  
3 employment and business address is 1000 Marsh Road, Menlo Park, California 94025.

4                    On May 10, 2004, I served:

5                    **JOINT STIPULATION OF DISMISSAL WITH PREJUDICE**

6 By transmitting a copy of the above-listed document(s) in PDF form via electronic mail Michael  
7 H. Page at **mhp@kvn.com**, Doug Derwin at **doug.derwin@derwin.com**,  
8 **dderwin@intertrust.com**; James E. Geringer at **james.geringer@klarquist.com** and Michael  
Lyons at **mlyons@morganlewis.com** and also by placing true and correct copies of the above  
documents in an envelope addressed to:

9 John W. Keker, Esq.  
10 Michael H. Page, Esq.  
11 KEKER & VAN NEST, LLP  
12 710 Sansome Street  
13 San Francisco, CA 94111  
Tel. No. 415-391-5400  
Fax No. 415-397-7188  
Email: jwk@kvn.com  
Email: **mhp@kvn.com**

14 Attorneys for Plaintiff, INTERTRUST  
15 TECHNOLOGIES CORPORATION

16 Michael Lyons, Esq.  
17 MORGAN LEWIS & BOCKIUS LLP  
18 3300 Hillview Avenue  
Palo Alto, CA 94304  
Tel. No. 650-493-4935  
Fax No. 650-493-5556  
Email: **mlyons@morganlewis.com**

19 Attorneys for Plaintiff InterTrust  
20 TECHNOLOGIES CORPORATION

Doug Derwin, Esq.  
DERWIN & SIEGEL  
3820 Alpine Road  
Portola Valley, CA 94028  
Tel. No: 650-529-8700  
Fax No: 650-529-8799  
E-mail: **doug.derwin@derwin.com**  
E-mail: **dderwin@intertrust.com**  
Attorneys for Plaintiff, INTERTRUST  
TECHNOLOGIES CORPORATION

John D. Vandenberg, Esq.  
Michael Lyons, Esq.  
MORGAN LEWIS & BOCKIUS LLP  
3300 Hillview Avenue  
Palo Alto, CA 94304  
Tel. No: 503-226-7391  
Fax No: 503-228-9446  
Email: **john.vandenberg@klarquist.com**  
Email: **james.geringer@klarquist.com**

Attorneys for Defendant and Counterclaimant,  
MICROSOFT CORPORATION

21  
22 and sealing the envelope, affixing adequate first-class postage and depositing it in the U.S. mail  
23 at Menlo Park, California.

24                    Executed on May 10, 2004 at Menlo Park, California.

25                    I declare under penalty of perjury that the foregoing is true and correct.

26  
27                    \_\_\_\_\_  
ANNA FREDDIE